

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**SALISU AUGUSTINE
ABDULLAHI ONIPE,**

Petitioner,

v.

LORETTA LYNCH, et al.,

Respondents.

**Case No. 2:16-cv-650
Judge Michael H. Watson
Magistrate Judge Kimberly A. Jolson**

REPORT AND RECOMMENDATION

This matter is before the Court on numerous Motions: Respondents' Motion to Dismiss or, Alternatively, Motion for Summary Judgment (Doc. 6), Petitioner's Emergency Motion to Stay Removal/Deportation Proceedings (Doc. 16), Petitioner's Motion to Dismiss Petitioner's Emergency Motion to Stay Removal/Deportation Proceedings (Doc. 19), Petitioner's Emergency Motion to Grant Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 by Making a Ruling (Doc. 37), and Petitioner's Motion to Grant Writ of Habeas Corpus (Doc. 39). This Court has scheduled a hearing for March 8, 2017, to receive evidence on the Petition and, more specifically, on whether there exists a categorical impediment to the issuance of Petitioner's travel documents. Petitioner, who has been appointed counsel (Doc. 49), and Respondent shall have the opportunity to make oral motions during the hearing. Thus, the Court **RECOMMENDS** that the pending Motions be **DENIED AS MOOT** in light of the current procedural posture. As noted, counsel are free to renew or make additional motions during the hearing and will be permitted to submit dispositive motions or briefing after the hearing.

If any party seeks review by the District Judge of this Report and Recommendation, that

party may, within fourteen (14) days, file and serve on all parties objections to the Report and Recommendation, specifically designating this Report and Recommendation, and the part thereof in question, as well as the basis for objection thereto. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Response to objections must be filed within fourteen (14) days after being served with a copy thereof. Fed. R. Civ. P. 72(b).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to *de novo* review by the District Judge and of the right to appeal the decision of the District Court adopting the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *Smith v. Detroit Fed'n of Teachers, Local 231 etc.*, 829 F.2d 1370 (6th Cir. 1987); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

IT IS SO ORDERED.

Date: March 1, 2017

/s/ Kimberly A. Jolson
KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE